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TRANSCRIPT OF RECORD

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Supreme Court of the United States

OCTOBER TERM, 1937

No. 362

THE CENTURY INDEMNITY COMPANY,
PETITIONER,

vs.

G. NELSON

ON WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

PETITION FOR CERTIORARI FILED AUGUST 30, 1937.

CERTIORARI GRANTED OCTOBER 18, 1937.

SUPREME COURT OF THE UNITED STATES

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In the Superior Court of the State of California,
In and for the City and County of
San Francisco.

No. 19086-K

G. NELSON,

Plaintiff,

vs.

THE CENTURY INDEMNITY COMPANY, a corporation,

Defendant.

COMPLAINT OF UNDERTAKING ON RELEASE OF ATTACHMENT

COMES NOW the plaintiff above named and for cause of action against the defendant above named, alleges:

I.

That at all the times herein mentioned the defendant THE CENTURY INDEMNITY COMPANY was and now is a corporation organized and existing under the laws of the State of Con-

necticut and duly authorized and licensed to do a general surety business in the State of California.

II.

That on or about the 9th day of February, 1929, one V. BERGES, filed an action, in the above entitled court against SAN FRANCISCO IRON & METAL COMPANY, a corporation, and L. SILBERMAN, said action being numbered 204668; that thereupon in said action a writ of attachment was issued and levied against the property, credits and effects of the defendants SAN FRANCISCO IRON & METAL COMPANY, a corporation, and L. SILBERMAN, as security for the satisfaction of any judgment that might be recovered by plaintiff V. Berges, and certain property, credits and effects of each of said defendants in excess of the value of $6,000.00 were attached and seized by the Sheriff of the City [1*] County of San Francisco pursuant to said Writ of Attachment.

III.

That thereafter, on or about the 14th day of February, 1929, the defendant THE CENTURY INDEMNITY COMPANY made, executed and delivered its undertaking on release of the attachment herein mentioned, as follows:

[1*] Page numbering appearing at the foot of page of original certified Transcript of Record.

"In the Superior Court of the State of California, in and for the City and County of San Francisco.

V. BERGES,

Plaintiff,

vs.

SAN FRANCISCO IRON & METAL COMPANY, a Corporation, H. SILVERMAN and L. SILVERMAN,

Defendants.

UNDERTAKING ON RELEASE OF ATTACHMENT

WHEREAS, the above named Plaintiff commenced an action in the Superior Court of the City and County of San Francisco, State of California, against the above named Defendants claiming that there was due to said Plaintiff from said Defendants the sum of Four Thousand Seven Hundred Nine and 61/100 ($4,709.61) Dollars, or thereabouts, and thereupon an attachment issued against the property credits and effects of Defendants, SAN FRANCISCO IRON & METAL COMPANY, a Corporation, H. SILVERMAN and L. SILVERMAN, as security for the satisfaction of any judgment that might be recovered therein; and certain property credits and effects of the said Defendants, SAN FRANCISCO IRON & METAL COMPANY, a Corporation, H. SIL-